

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE No. 2019-001

**AN ORDINANCE AMENDING TITLE 15, CRIMINAL OFFENSES, OF THE CITY
CODE OF ORDINANCES; PROHIBITING PANHANDLING; PRESERVING THE
HEALTH AND WELFARE OF THE CITY AND FOR OTHER LAWFUL PURPOSES**

(Sponsored by Councilmember Jackson)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council");

WHEREAS, the City is empowered by the City Charter Section 3.10 to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, necessary for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City;

WHEREAS, the City desires to prohibit panhandling through this Ordinance; and

WHEREAS, the City finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. The City of South Fulton Code of Ordinances, Title 15, Criminal Offenses, is hereby amended by creating a new Chapter 7, Panhandling, which shall read as follows:

TITLE 15, CRIMINAL OFFENSES

CHAPTER 7, PANHANDLING

Sec. 15-7001. – Panhandling, generally.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aggressive panhandling means and includes:

- (1) Intentionally or recklessly making any physical contact with or touching another person or his vehicle in the course of the solicitation without the person's consent;
- (2) Following the person being solicited, if that conduct is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts legally authorized as an exercise of one's constitutional right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic;
- (5) Intentionally or recklessly using obscene or abusive language or gestures intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or words intended to, or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (6) Approaching the person being solicited in a manner that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

Public area means an area to which the public or a substantial group of persons has access including, but not limited to, alleys, bridges, buildings, driveways, parking lots, parks, play grounds, plazas, sidewalks, and streets that are open to the general public

Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, including employment, business or contributions or to request the sale of goods or services. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

- (b) *Prohibitions.* It shall be unlawful for any person, firm, organization, or corporation to aggressively panhandle within any public area in the city or panhandle or solicit funds for the sole benefit of the solicitor:

- (1) In any public transportation vehicle, or bus or subway station or stop;

- (2) Within 15 feet of any entrance or exit of any bank or check cashing business or within 15 feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
 - (3) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
 - (4) From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.
- (c) *Applicability.* This chapter regulates the time, place and manner of solicitations and shall not apply to any persons from exercising their clearly established constitutional right to picket, protest or engage in other constitutionally protected activity.

Sec. 15-7002. - Begging and soliciting alms by accosting or forcing oneself upon the company of another.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon the property in his immediate possession.

Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage or the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede demands.

- (b) *Exceptions.* Except when performed in the manner set forth in subsection (d) of this section, or in any of the locations set forth in subsection (c)(1), (2), (3), or (4) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.
- (c) *Location.* It shall be unlawful for any person to solicit money or other things of value:

- (1) Within 15 feet of the entrance to or exit from any public toilet facility;
 - (2) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 - (3) Within 15 feet of any bus stop or taxi stand;
 - (4) From any person who is waiting in line for entry to any building, public or private including, but not limited to, any residence, business or athletic facility;
 - (5) Within 15 feet of the entrance or exit from a building, public or private including, but not limited to, any residence, business, or athletic facility.
- (d) *Manner.* It shall be unlawful for any person to solicit money or other things of value by accosting another or by forcing oneself upon the company of another.

Sec. 15-7003. - Street solicitations prohibited.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Public area means an area to which the public or a substantial group of persons has access including, but not limited to, alleys, bridges, buildings, driveways, parking lots, parks, play grounds, plazas, sidewalks, and streets that are open to the general public.

Solicit means to request an immediate donation of money or other thing of value from another person including employment, business or contributions or to request the sale or purchase of goods or services.

- (b) It shall be unlawful for any person, firm, organization or corporation to solicit within any public right-of-way in the city.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent

jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing, codification, and supplementation purposes. The final version of all Ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 6. ***Instruction to City Clerk.*** Unless vetoed, the City Clerk is hereby directed to forward a copy of this Ordinance to the City Solicitor and Code Enforcement Department.

The foregoing **ORDINANCE No. 2019-001**, adopted on **January 22, 2019** was offered by Councilmember **Jackson** who moved its approval. The motion was seconded by Councilmember **Willis**, and being put to a vote, the result was as follows:

“SECOND READING”

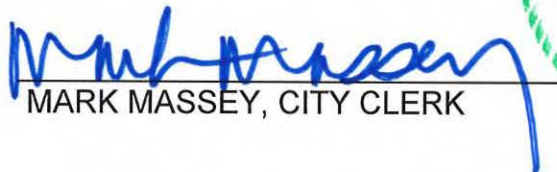
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William “Bill” Edwards, Mayor	<hr/>	<hr/>
Mark Baker, Mayor Pro Tem	<hr/> √	<hr/>
Catherine Foster Rowell	<hr/> √	<hr/>
Carmalitha Lizandra Gumbs	<hr/> √	<hr/>
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Rosie Jackson	<hr/> √	<hr/>
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THIS ORDINANCE adopted this 22nd day of January 2019. CITY OF SOUTH FULTON, GEORGIA.

“SECOND READING”


WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK



ITEM# Ord2019-001 DATE 1/22/2019

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY